

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

| | | |
|----------------------------------|---|--------------------|
| CRAIG SMITH, as litigation |) | |
| guardian for S.A.S., a minor and |) | NO. CV-08-3051-LRS |
| JULIE CRUZ, individually, and as |) | |
| legal Guardian of S.A.S., |) | ORDER OF DISMISSAL |
| |) | |
| Plaintiffs, |) | |
| |) | |
| -vs- |) | |
| |) | |
| THE BURLINGTON NORTHERN AND |) | |
| SANTE FE RAILWAY COMPANY, a |) | |
| Delaware corporation, |) | |
| |) | |
| Defendant. |) | |
| |) | |

Pursuant to the parties' "Stipulation and Order For Voluntary Dismissal Without Prejudice and Without Costs," Ct. Rec. 34, filed March 27, 2009, and incorporated herewith, **IT IS HEREBY ORDERED** that the above-entitled cause of action shall be and is hereby dismissed without prejudice and without an award of attorney's fees or costs to any party.

The District Court Executive is directed to file this Order, provide copies to counsel, and **CLOSE THE FILE**.

DATED this 6th day of April, 2009.

s/Lonny R. Suko

LONNY R. SUKO
UNITED STATES DISTRICT JUDGE